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09/686,572	10/10/2000	Thomas James Dubil	US000183	4775

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EXAMINER	
TRAN, MYLINH T	
ART UNIT	PAPER NUMBER
2179	

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10/14/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/686,572	<b>Applicant(s)</b> DUBIL ET AL.
	<b>Examiner</b> MYLINH TRAN	<b>Art Unit</b> 2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

**Status**

1) Responsive to communication(s) filed on 07/15/08.  
 2a) This action is **FINAL**.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 4,6,14,16-18,20-22,24-26 and 29-33 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 4, 6, 14, 16-18, 20-22, 24-26, 29-33 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/901a)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Intent to File a Patent Application  
 6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

Applicant's Amendment filed 07/15/08 has been entered and carefully considered. Claims 6, 14-17 and 31 have been amended. Claims 32-33 have been added. However, the limitations of the amended and new claims have not been found to be patentable over prior art of record, therefore, claims 4, 6, 14, 16-18, 20-22, 24-26 and 29-33 are rejected under the same ground of rejection as set forth in the Office Action mailed 04/17/08.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 4, 6, 14, 16-18, 20-22, 24-26 and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allport [6,104,334] in view of Hoffberg et al. [US.2006/0200253].

**As to claim 6,** Allport discloses enabling the server on the Internet at least one apparatus (column 4, lines 40-53) to be controlled by the universal remote which universal remote (column 5, lines 50-55) has a touch screen GUI (column 4, lines 28-40), each apparatus having a corresponding dedicated remote with a control panel (column 13, lines 18-45); as data in a mark up a language format (column 24, lines 38-44); providing the identified code set over the internet to a home network and code to control the touch screen GUI to display a graphical representation of the control panel of the dedicated remote of the specified apparatus including icons and soft key; (column 8, lines 30-50); the control code not being usable by the specified apparatus until the control code is converted into the command and transmitted to the apparatus by an IR or RF transmission (column 8, lines 35-48) independent of the internet, wherein the apparatus is not pre-configured to deliver or cause delivery of its respective control code to the control device (column 9, lines 5-44); enabling the universal remote to convert the control code into the associated commands (column 22, lines 20-33); to control the specified apparatus and the soft keys and the graphical representation of the icons on the touch screen GUI

of the universal remote such that the touch screen GUI depicts the control panel (column 4, lines 28-40) of the dedicated remote corresponding to the specified apparatus; using the soft keys of the displayed control panel on the touch screen GUI to enable the universal remote to send commands to the specified apparatus via the IR or RF transmission (column 14, lines 11-25).

Allport fails to clearly teach the server on the internet including a database of code and enabling the server on the internet to identify one of the code set corresponding to the specified apparatus and to provide the control code, the mark-up language format code set including a code set representative of commands to control a state of the specified apparatus.

However, Hoffberg et al. shows the database of code (0831) and enabling the server on the internet to identify one of the code set corresponding to the specified apparatus and to provide the control code (0011).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Hoffberg's teaching of the database of codes with the teachings of Allport. Motivation of the combination would have been to download the codes over the server for the remote control.

**As to claim 4,** Allport discloses the control code comprising part of an EPG or ECG (column 25, lines 11-20).

**As to claim 14,** Allport teaches the control code comprising data in a language format (column 24, lines 38-44), the control code representative of commands for a selected apparatus and soft key positions and icons for control keys of a

dedicated remote corresponding to the selected apparatus (column 8, lines 30-50); a GUI display panel on which the soft keys and icons being rendered (column 4, lines 28-40); the remote control device being configured to use the control code representative of the soft key positions and icons (column 8, lines 30-50) for the control key of the dedicated remote corresponding to the selected apparatus to render a graphical representation on the GUI display panel depicting the control keys of the dedicated remote for the selected apparatus in which they keys and icons (column 8, lines 30-50) for selecting the commands for the selected apparatus are in the same location as the corresponding keys and icons of the dedicated remote (column 13, lines 18-45) such that when a user switches between the remote control device and the dedicated remote, the control keys are in the same position and have the same function as the dedicated remote (column 8, lines 30-50);  
the remote control device being configured to convert the control code from a form that is not usable on the selected apparatus to be controlled into a command (column 22, lines 22-33) that is usable by the selected apparatus to change a state of the selected apparatus (column 9, lines 5-44); and a transmitter converting the at least one selected command into an IR or RF signal which is transmitted to control the selected apparatus (column 14, lines 11-25).

Allport fails to clearly teach the server on the internet including a database of code and enabling the server on the internet to identify one of the code set

corresponding to the specified apparatus and to provide the control code, the mark-up language format code set including a code set representative of commands to control a state of the specified apparatus; a remote control device configured for receiving a control code from a source over a bidirectional data network;

However, Hoffberg et al. shows the database of code (0831) and enabling the server on the internet to identify one of the code set corresponding to the specified apparatus and to provide the control code (0011); a remote control device configured for receiving a control code from a source over a bidirectional data network (0012-0013),

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Hoffberg's teaching of the database of codes with the teachings of Allport. Motivation of the combination would have been to download the codes over the server for the remote control.

**As to claim 16**, Allport discloses the control representing an IR or RF signal for transmission by a remote control device to the CE equipment and (2) rendering a control key layout that emulates a key layout of a dedicated control device for the CE equipment (column 8, lines 30-50).

Allport fails to clearly teach controlling CE equipment and for being supplied in an XML format. However, Hoffberg et al. shows the limitation at (0807). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Hoffberg's teaching of the database of codes with the

teachings of Allport. Motivation of the combination would have been to download the codes over the server for the remote control.

**As to claim 17,** Allport teaches the control codes being representative of control codes for controlling the user specified apparatus and sending instructions for rendering icons and soft buttons which emulate control keys of a remote control for the specified apparatus (column 4, lines 28-40 and column 5, lines 50-55);

However, Allport fails to clearly teach enabling the server to communicate over the bidirectional data network with a home network that comprises the user's control device for delivery of the control codes to the control device, wherein the control codes are not directly usable by the specified apparatus until conversion of the control codes by the home network into commands that can be sent by the control device to the specified apparatus independent of the bidirectional network; enabling each of a plurality of users to specify to a server, over a bidirectional data network, a user specified apparatus for being controlled by a universal control device of a user; enabling the server to identify XML tags that specify control codes included in data in XML language format.

Hoffberg et al. teach enabling the server to communicate over the bidirectional data network with a home network that comprises the user's control device for delivery of the control codes to the control device (0831); enabling each of a plurality of users to specify to a server, over a bidirectional data network, a user specified apparatus for being controlled by a universal control device of a user;

enabling the server to identify XML tags that specify control codes included in data in XML language format (0807-0809).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Hoffberg's teaching of the database of codes with the teachings of Allport. Motivation of the combination would have been to download the codes over the server for the remote control.

**As to claim 18,** Allport teaches a second set of control codes representing commands suitable for transmission by the control device over an IR or RF network to a CE equipment to control the state of the CE equipment (column 14, lines 11-25), wherein the equipment is not preconfigured to deliver or cause delivery of its respective control code to the control device (column 8, lines 35-48).

Allport fails to clearly teach the control codes being provided from a database over a bidirectional data network to the home network;

providing control codes in an XML mark-up language format to a home network comprising a control device for installing on the control device, a first set of control codes with rendering instructions for rendering a graphical representation on a GUI touch screen using an XSL style sheet However,

Hoffberg et al. teach the control codes being provided from a database over a bidirectional data network to the home network (0012-0013); providing control codes in an XML mark-up language format to a home network comprising a control device for installing on the control device, a first set of control codes with

rendering instructions for rendering a graphical representation on a GUI touch screen using an XSL style sheet (0218). It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Hoffberg's teaching of the database of codes with the teachings of Allport. Motivation of the combination would have been to download the codes over the server for the remote control.

**As to claims 20,** Allport discloses the language format being a markup language format (column 5, lines 50-67).

**As to claims 21 and 26,** Allport discloses the bidirectional network including the internet and the source being located on the internet and remote from the apparatus and the network ( ).

**As to claims 22 and 24,** Hoffberg et al. disclose the bidirectional network including the internet, the plurality of home networks each being connected with the internet to receive control codes requested from the database over the internet (0012-0013).

**As to claim 25,** Hoffberg et al. disclose the database being remote from and not a part of the home network and not a part of the CE equipment (0012-0015).

**As to claim 29,** Allport et al. teach on a touch screen GUI display element, generating a graphical representation depicting the remote control for the specified apparatus (column 8, lines 30-50).

**As to claim 30,** Allport teaches the rendering instructions render a graphical representation on a remote controller for the CE equipment which is to be controlled, the graphical representation being displayed on a touch screen such that the user can select among the control codes by touch screen (column 4, lines 28-40).

**As to claim 31,** Allport teaches definition of a GUI display panel and soft key locations which when rendered on the GUI display panel display icons and buttons in the same position and with a common functions as a dedicated remote for the controlled apparatus (column 8, lines 30-50); control codes for controlling apparatuses through remote control devices, the control codes representative of commands suitable for by the remote control devices to the apparatus over an IR or RF network (column 8, lines 35-48) and being formatted in a mark-up language (column 24, lines 38-44).

Allport fails to clearly teach the database being in communication over a bidirectional data network with a plurality home network systems each of which comprises at least a remote control device, the control codes being deliverable to the remote control devices independent of the controlled apparatuses, the control codes being described in XML format with THE tags which define (1) control parameters including one or more of :carrier frequency, duty cycle, protocol type, repetition type, on/off times of the signal and bit pattern of command codes and (2) at least one of : a type of the controlled apparatus and a brand name of the controlled apparatus.

Hoffberg et al. teach enabling the server to communicate over the bidirectional data network with a home network that comprises the user's control device for delivery of the control codes to the control device (0831); enabling each of a plurality of users to specify to a server, over a bidirectional data network, a user specified apparatus for being controlled by a universal control device of a user; enabling the server to identify XML tags that specify control codes included in data in XML language format (0807-0809); the control codes being described in XML format with THE tags which define (1) control parameters including one or more of :carrier frequency (0659), 2) at least one of : a type of the controlled apparatus and a brand name of the controlled apparatus (0830).

**As to claim 32,** Allport teaches rendering the icon or soft button in the same relative location as the control key of the remote for the specified apparatus which perform the same function (column 4, lines 53-67).

**As to claim 33,** Allport teaches a touch screen display (column 4, lines 28-40); an IR or RF transmitter (column 8, lines 35-48); a memory; an interface; a processor programmed to: receive an input indicative of a consumer appliance to be controlled, control the interface to go via the internet to a webist and retrieve (1) IR or RF control codes for the consumer appliance to be controlled (column 8, lines 35-50) and (2) a description of a key pad layout corresponding to the standard remote control for the consumer appliance to be controlled (column 4, lines 27-40); store the retrieved IR or RF control codes and the key pad layout description in the memory; control the touch screen to display icons

depicting the key pad layout corresponding to the standard remote control for the consumer appliance to be controlled (column 23, lines 48-67) , and in response to one of the icons displayed on the control screen being touched (column 24, lines 17-50), controlling the IR or RF transmitter to transmit a control code represented by the touched icons, wherein by the universal remote control emulates the standard remote controls for one or more controlled consumer appliances (column 11, lines 5-55).

Allport fails to clearly teach the database being in communication over a bidirectional data network with a plurality home network systems each of which comprises at least a remote control device, the control codes being deliverable to the remote control devices independent of the controlled apparatuses.

Hoffberg teaches the database being in communication over a bidirectional data network with a plurality home network systems each of which comprises at least a remote control device, the control codes being deliverable to the remote control devices independent of the controlled apparatuses (0831).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine Hoffberg's teaching of the database of codes with the teachings of Allport. Motivation of the combination would have been to download the codes over the server for the remote control.

### **Response to Arguments**

Applicant has argued that Allport does not teach or suggest soft keys and the graphical representation of the icons on the touch screen of the universal remote to depict the control panel of the dedicated remote corresponding to the specified apparatus. However, Allport teaches features at column 8, lines 30-45, cited "the remote control may be programmed using an integrated graphical keyboard for simple tasks such as entering and modifying passwords,...but the latter is preferably done with the use of companion software using an IR keyboard in conjunction with the remote control's display or another display...and the display would then show the association of physical or touch screen actuating buttons with the actual functions they perform..." and column 2, lines 36-55, cited "other universal remotes...have a display so the buttons could be programmed to allow greater" functionality, and each button may correspond to several different functions depending on the mode setting of the remote...another remote control...overcomes this problem to some extent, because it has the additional feature of a touch screen and graphical display 256 pixels by 128 pixels so the consumer may control the size and layout of the graphical buttons to some degree..."

Applicant has argued that Allport does not teach the control key having the same position and function as the dedicated remote and rendering a control key layout that emulates a key layout of a dedicated control device. However, applicant's attention is directed to column 12, lines 25-45, cited "The exact

layout may be designed by the consumer using integrated or dependent software, or the layout may be chosen from a set of templates provided to the consumer through the integrate software, or the layout may be fixed at the time of manufacture. The layouts shown in this application are illustrative only of one possible format, and it is to be understood that many different layouts may be used without departing from the concepts of the present invention."

Applicant has also argued that Allport does not teach or suggest rendering icons and soft buttons and a graphical representation on a GUI touch screen which emulate control keys of a remote control for the specified apparatus. However, applicant's attention is directed to column 5, lines 33-40, cited "In addition to having some physical buttons with fixed functions, the remote control of the present invention may be programmed such that some fixed buttons and certain areas of the display that represent command buttons or "soft keys" may be defined by the consumer to control specified functions on specified devices".

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

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/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179